

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

ANTHONY CRAFT,)
Plaintiff,)
vs.) Case No. 4:21 CV 1132 JMB
EQUIFAX INFORMATION SERVICES, LLC,)
TRANS UNION, LLC, PORTFOLIO)
RECOVERY ASSOCIATES, LLC, and)
RESURGENT CAPITAL SERVICES, L.P.)
Defendants.)

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff Anthony Craft’s “request for clerk’s entry of default judgment for defendant Resurgent Capital Services, L.P.” (Doc. 23).¹ Craft represents that Resurgent was served on September 10, 2021, that its answer was due on October 1, 2021, and that no answer or responsive pleading has been filed. Federal Rule of Civil Procedure 55 anticipates a two-step process: plaintiff must first seek entry of default by the clerk and then must seek default judgment. See Johnson v. Dayton Elec. Mfg. Co., 140 F.3d 781, 783 (8th Cir. 1998) (“entry of default under Rule 55(a) must precede grant of a default judgment under Rule 55(b)”). In addition, if Craft seeks a clerk’s judgment, it must be for a sum certain as shown by affidavit. Craft has neither separately sought entry of default nor is it apparent that he is seeking a sum certain. Accordingly, the motion is **DENIED without prejudice**. Craft may refile his motion consistent with Rule 55.

/s/ John M. Bodenhausen
JOHN M. BODENHAUSEN
UNITED STATES MAGISTRATE JUDGE

Dated this 1st day of November, 2021

¹ Notwithstanding the actual title of the motion filed by Craft, it is listed in CM/ECF as a “Motion for Entry of Clerk’s Default.”